

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSE L. YOUNGBLOOD,

Plaintiff,

No. CIV S-05-0727 LKK DAD P

vs.

STATE OF CALIFORNIA, et al.,

Defendants.

ORDER

_____/

Plaintiff, a state prisoner at High Desert State Prison, has filed an application to proceed in forma pauperis. No pleadings other than the in forma pauperis application have been filed by the plaintiff.

In order to commence an action, in addition to either paying the required filing fee or filing an application requesting leave to proceed in forma pauperis¹ (28 U.S.C. §§ 1914(a), 1915(a)), plaintiff must file a complaint as required by Rule 3 of the Federal Rules of Civil Procedure. The court cannot issue any orders granting or denying in forma pauperis status until an action has been properly commenced.

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¹ If leave to file in forma pauperis is granted, plaintiff will still be required to pay the filing fee but will be allowed to pay it in installments.

1 By this order, plaintiff will be allowed additional time to file a complaint; once a
2 civil rights action is properly filed, the court can determine whether the in forma pauperis
3 application should be granted or denied.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The Clerk of the Court is directed to send plaintiff the court's form for filing a
6 civil rights action; and

7 2. Plaintiff is granted thirty days from the date of service of this order to file a
8 complaint that complies with the requirements of the Civil Rights Act, the Federal Rules of Civil
9 Procedure, and the Local Rules of Practice; the complaint must bear the docket number assigned
10 this case; plaintiff must file an original and two copies of the complaint. Upon filing of the
11 complaint, the April 14, 2005 application to proceed in forma pauperis will be considered.

12 Plaintiff's failure to comply with this order will result in a recommendation that this matter be
13 dismissed.

14 DATED: May 13, 2005.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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